

May 18, 2017

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Comments of Radio Power Inc. in
RM-11786 and RM-11787**

Dear Ms. Dortch:

Radio Power Inc. ("Radio Power"), pursuant to Public Notice Report No. 3074 (released April 18, 2017) and Public Notice Report No. 3076 (released April 27, 2017), hereby submits these comments on the above-captioned rule making proposals filed by the National Association of Broadcasters ("NAB") and Aztec Capital Partners, Inc. ("Aztec").

Radio Power supports both rule making petitions.

Background

Radio Power's President Timothy D. Martz has been the licensee of radio broadcast stations in small, medium and large sized markets for more than 30 years. As such he has considerable experience with translators in numerous markets, large and small. Before it became commonplace, he recognized the value of translators and seized the opportunity to niche program to urban audiences largely ignored by major group owners.

In Pittsburgh, six years ago, Radio Power paired FM translator station W261AX with AM station WAMO and brought a heritage urban format station back to Pittsburgh after other full service operators abandoned the African-American community. WAMO100 has successfully become a part of the Pittsburgh community with impressive ratings.

Several years ago Radio Power moved FM translator station W250BN to Milwaukee. The intent was to lease an HD channel and provide niche, often minority targeted programming, not provided by the major groups. When that move was blocked by the FCC, Radio Power sold the station to minority owned El Sol Broadcasting, the licensee of AM station WJTI. Today, WJTI provides programming serving the Hispanic community ignored by full service operators. The combination of W250BN and WJTI proved a winning strategy for El Sol

Broadcasting.

Despite these successes, Radio Power has been materially harmed by existing Commission rules and policies that leave FM translator stations completely at the mercy and whims of full power stations. Full service stations and operators have taken advantage of the Commission's rules to allege interference to distant out of town stations when it either doesn't exist or is statistically insignificant.

Radio Power has been forced to shut down translators as the result of alleged interference to full service stations, even when the alleged interference occurs outside of the full power station's protected contour in a different state and areas where the full power station had no ratings nor attempted to sell advertising.

In Milwaukee, W250BN was the subject of alleged interference complaints from just two listeners to WLUP located 90 miles away in Chicago, Illinois. Radio Power was forced to shut down W250BN in response to these two complaints, to the detriment of listeners in Milwaukee.

In Detroit, W284BQ rebroadcast an HD channel and returned Smooth Jazz to Detroit, after CBS Radio abandoned the format. Arbitron ratings showed 104.7 The Oasis to be an unqualified success, achieving a 0.9 Arbitron share in its first full month of operation. Yet after less than 6 months of operation and despite tireless efforts to resolve alleged complaints, the Commission ordered W284BQ off the air as the result of interference alleged by Clear Channel from a few dozen occasional Detroit listeners to WIOT, their Classic Rock station in Toledo, Ohio.

In Pittsburgh, Radio Power recently suffered through the experience where the licensee of a 1st adjacent full power out of market class A station untimely challenged Commission approval of a construction permit to relocate FM translator station W283CB after the grant and before the station commenced operations with its new permitted facilities. Despite the grant fully complying with FCC interference rules, a first adjacent full service out of market FM station attempted to have the grant rescinded alleging that the translator might interfere with their full service station. The full power station actively solicited listeners to file letters of concern that our translator might interfere and could only come up with 5 "listeners".

The whole situation stinks and smacks of abuse of process with full service licensees attempting to take advantage of absolute and ambiguous Commission rules to block competition. In the case of W283CB the licensee conveniently neglected to disclose that one of the principals of the licensee also is a group owner that owns radio stations in Pittsburgh, the market where W283CB would compete.

Radio Power has also suffered the expense and indignation of a witch-hunt for doing nothing more than following existing rules in making multiple moves to relocate W250BN from Beloit, Wisconsin to Milwaukee, moves that under the Commission's filing window last year, Radio Power could have achieved with one move. The action alleging false filings cost Radio Power considerable lost opportunity as well as tens of thousands of dollars in legal fees, and then ultimately caused Radio Power to abandon further efforts to develop more niche formats targeting minorities. It also forced Radio Power to sell W250BN at far less than market value.

Rule Making Petitions

Radio Power is fully supportive of the NAB Petition to permit FM translators to move to any available channel to resolve interference complaints.

But more importantly, Radio Power supports the NAB's proposal regarding interference and exactly what constitutes interference.

Requiring a threshold of a minimum number of listener complaints would establish a meaningful threshold. In a market like Detroit, it makes no sense that a few dozen complaints from alleged listeners to a Toledo station shut down a station serving more than 100,000 Detroit listeners.

Radio Power supports the implementation of a standard of testing the significance of complainants to the overall audience of that full service station as a requisite for an actionable complaint. The Commission should specify that at least 1/10th of 1 percent of the full service FM station's cumulative audience be the minimum standard for an actionable complaint. If the full service station has a cumulative audience of 100,000 people, the Commission should require a minimum of 100 different complainants for an actionable complaint.

The objectivity and veracity of the complainants must be fully vetted to preclude any association with the station or employees and friends and the Commission must address the fact that far too many unverified complaints are accepted as truth.

That standard for interference must be modified to be only meaningful actual interference over a widespread area and not just occasional interference.

Radio Power agrees with Aztec that the Commission should use contour methodology for determining whether a complainant alleging interference to a full power station from a translator station should be considered in the first instance. The Commission should consider interference complaints only if the alleged interference occurs within the protected contour of the full power station. This approach has several benefits. First, it ensures local service provided by full

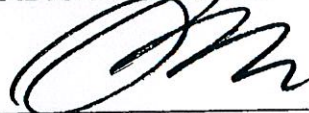
power stations continue unabated because full power stations will continue to enjoy the right to interference free operation from the FM translator station with the full power station's protected contour. Second, it provides translator station licensees with greater certainty prior to spending the money, time and resources in constructing new or modified facilities for a translator station. It is significantly easier for a translator station to determine in advance whether a proposed facility will cause interference within the protected contour of a full power station compared with determining whether the proposed translator station will cause interference to the regular over reception of the full power station everywhere, not just the station's protected contour. Third, increased technical solutions will be available for resolving any interference complaints that will protect the local service for the full power and the FM translator station. Fourth, the new criteria will serve the public interest by helping the continued viability if not outright survival of the AM service. For example, the new standard will help the major modification applications granted last year and the new applications to be granted later this year for translator stations will become a reality and not just a paper grant.

Conclusion

FM translator stations have come a long way from the early days when the primary purpose for translator stations was as a fill-in service for full power stations, serving areas shadowed by terrain obstructions. Today translator stations are an indispensable lifeline for AM stations and provide niche programming otherwise unavailable to the public. The Commission has an historic opportunity to reexamine the public interest benefits of translator stations, updating and balancing the criteria and procedures for handling interference complaints in light of the new and important role translator stations play in the communications fabric of the United States in the Twenty-First century.

Respectfully Submitted,

RADIO POWER INC.



Timothy D. Martz
President